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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,405	09/24/2004	Ilana (Helena) Nathan	P/4639-2	5690
2352	7590	04/16/2007	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			NIEBAUER, RONALD T	
			ART UNIT	PAPER NUMBER
			1609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		04/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/509405

EXAMINER	
<i>Niebauer</i>	

ART UNIT	PAPER
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1609 20070404

DATE MAILED:

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Commissioner for Patents

The reply filed on 1/25/07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the identification of the elected group, the elected species and the claims readable on have not been clearly identified. See 37 CFR 1.111. Applicant states that 'Group I which includes claim 2 drawn to the in vitro treatment' is elected. This response is unclear since Group I (claim 2) is drawn to in vivo treatments. Further, applicant elected species (i). This is not fully responsive because as stated in the restriction requirement 'applicant is required, in reply to this action, to elect a single species for each of (i)-(iv)'. A single species of elastase enzyme inhibitor (for example, from possibilities listed on page 7), a single inhibitor of apoptosis (for example, from possibilities listed on page 10), a single cell type (for example, from possibilities listed in claims 4,8), and a single species of disease (for example, from possibilities listed in claims 5,9) should be identified. Finally, as stated in the restriction requirement, 'the reply must also identify the claims readable on the elected species'.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald T. Niebauer whose telephone number is 571-270-3059. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, alt. Friday, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mary Mosher can be reached on 571-272-0906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mary Mosher

MARY MOSHER
SUPERVISORY PATENT EXAMINER